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W.P.No.32610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32610 of 2024

&

W.M.P.No.35453 of 2024

Sabana

...Petitioner

Vs.

1.The Secretary to Government
Highways and Minor Port (HW2) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Special District Revenue Officer
Land Acquisition,
Chennai Kanyakumari Industrial Corridor Scheme,
Kancheepuram.

3.The Divisional Engineer
Highways Department, CMDP Division I,
No.1, New Street,
Super Bazaar Complex, Alandur,
Chennai-600 016.



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4.The Special Tahsildar
(Land Acquisition and Management)
Tambaram Unit, Tambaram Taluk Office,
Tambaram,
Chengalpattu District.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the respondents to pay the proportionate differential compensation for the extent of 326 sq.fts. comprised in Survey Nos. 16/6A1A1B of Puthur Village, Vandalur Taluk, Chengalpattu District and also refer the matter to the competent Civil Court for enhancement of compensation for the land acquired in survey No.16/6A1A1 now 16/6A1A1B for the total extent of 1624 sq.fts in Puthur Village, Vandalur Taluk, Chengalpattu District.

For Petitioner : Mr. M.Muthappan

For Respondents : Mr. A.Selvendran
Special Government Pleader.

ORDER



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The petitioner seeks the following relief:

“A mandamus directing the respondents to pay the proportionate differential compensation for the extent of 326 sq.fts. comprised in Survey Nos. 16/6A1A1B of Puthur Village, Vandalur Taluk, Chengalpattu District and also refer the matter to the competent Civil Court for enhancement of compensation for the land acquired in survey No.16/6A1A1 now 16/6A1A1B for the total extent of 1624 sq.fts in Puthur Village, Vandalur Taluk, Chengalpattu District.”

2. It is the case of the petitioner that a larger extent of 2 acres 15 cents in S.No.16 and an extent of 1 acre 31 cents in S.No.17/1 and R.S.No.17/7 belonged to one Shaik Dawood. On his demise, his wife and children had partitioned the property as per a registered partition deed dated 15.05.2002. In the course of partition certain portion was allotted as a pathway. Subsequently, each of them had subdivided their respective portion as an house site plot and sold it to various persons.



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3. The petitioner would submit that she had purchased plot No.14 situate at No.10, Puthur Village, Vandalur Taluk, Chengalpattu District, from one N.Afzafunissa, under a sale deed dated 25.01.2012, registered as Doc.No.312 of 2012, Sub Registrar, Tambaram.

4. While so, the 1st respondent had issued notification for acquiring lands for the formation of Tambaram East Inner Ring Road in G.O.Ms.No.224, Highways Department (HW-2) dated 05.09.2007. The petitioner would submit that she had participated in the award enquiry and an Award No.13 was passed by the Special District Revenue Officer, (Land Acquisition), Greater City Division, Alandur, fixing the price at Rs.1325/- per sq.ft., She was also directed to produce her documents for the purpose of payment of compensation.

5. It was only when these exercises were going on that the petitioner had come to learn that there was discrepancies in the extent



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of the partition deed and the subsequent sale deeds.

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6. It is the case of the petitioner that the original vendors had left out an extent of land for the purpose of pathway as per partition deed. However, while selling the property they have included the extent into their property. Therefore, there is a discrepancy between the original partition deed and the subsequent sale deeds.

7. The petitioner would submit that since the compensation has not been disbursed, she made a representation to pay the compensation. Pursuant to the representation, the 2nd respondent in his proceedings bearing Na.Ka.No.1347/2022/A4 dated 02.07.2024 directed to release the compensation amount for 1624 sq.ft., The petitioner has also accepted to receive the compensation for the extent of 1624 sq.ft., without insisting on compensation for the entire extent, i.e., 1950 sq.ft.,

8. The order would also state that a sum of Rs.44,85,218/- has been sent by ECS to the petitioner's account. The petitioner now seeks



a mandamus to deposit the amount for the remaining extent of 326 sq.ft.

9. Heard the learned counsels on the either side and perused the records.

10. It is the case of the respondents that the petitioner has purchased an extent of 326 sq.ft over and above the extent owned by the petitioner's vendor. Therefore, she is entitled to compensation only for an extent of 1624 sq.ft., The amount for the said extent has also been received by the petitioner. Without establishing her right to the extent of 326 sq.ft., which according to the respondent has been sold in excess of what the petitioner's vendor owns, it is for the petitioner to first establish her right and thereafter seek compensation.

11. At this juncture, issuing a mandamus would be premature. Accordingly, the Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.



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Index : Yes/No
Internet : Yes/No
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To

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